



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Sloane  
SERIAL NUMBER: 08/986,606  
EXAMINER: David Lukton  
FILING DATE: December 8, 1997  
ART UNIT: 1653  
FOR: THE USE OF THE ACTIVATED N-TERMINAL SIXTEEN AMINO ACID PEPTIDE OF THE  
ANTINEOPLASTIC PROTEIN (ANUP) AS A PHARMACOLOGICALLY ACTIVE ANTI-  
TUMOR AGENT

July 2, 2004  
Boston, Massachusetts

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**DECLARATION OF PAUL A. DiTULLIO UNDER 37 C.F.R §1.132**

I, Paul A. DiTullio, declare and state as follows:

1. I am familiar with the subject matter claimed in the above-referenced patent application.
2. I received a B.S. degree in biochemistry and a M.S. degree in cell biology from the University of Vermont.
3. I have read the Office Action mailed on January 2, 2004 and am familiar with the Examiner's grounds of rejection of the pending claims.
4. Further to my earlier Declaration Under 37 C.F.R. § 1.132, the anti-tumor effects of ANUP polypeptides were evaluated in nude mice (an art-recognized tumor

model), using the methods described and claimed in the above-referenced patent application. In particular, the anti-tumor activity of both an N-terminal ANUP peptide having a pyroglutamic acid residue at the N-terminus and an N-terminal ANUP peptide having a glutamic acid residue at the N-terminus was evaluated in nude mice. Both N-terminal ANUP peptides demonstrated anti-tumor activity.

5. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by a fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date 7/1/04

Paul A. DiTullio  
Paul A. DiTullio